IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRD DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 1620 of 2005

Between:

Fishermen Cooperative Society, Padgal, Velpur Mandal, Nizamabad District, Rep. by its Secretary Dubbaka Raja Gangaram

..... PETITIONER

AND

1 The Station House Officer, Velpur, Nizamabad District.
2 The Sub Divisional Police Officer/ Dy. Superintendent of Police, Armoor, Nizamabad District.
3 The Superintendent of Police, Nizamabad District, Nizamabad.
4 The Mandal Revenue Officer, Velpur Mandal, Velpur, Nizamabad District.
5 The Revenue Divisional Officer, Nizamabad District, Nizamabad.
6 The Assistant Director of Fisheries, Nizamabad District, Nizamabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus- (i) declaring the inaction of the respondents 1 to 5 in not taking action including registration of crime for the offences committed by the members of the Village Development Committee, Padgal, Velpur Mandal, Nizamabad District and in not arranging compensation for the breach of the fish ponds and loss of fish seed to the members of the petitioner society even in spite of the repeated letters and complaints made by the petitioner society dated 19-1-2005 and 20-1-2005 and the letters of the 6th respondent vide Lr.No. 1096/B/2003, dated 25-1-2005, as illegal, arbitrary and unconstitutional apart from being violative of principles of natural justice and against Articles 14 and 21 of the Constitution of India; consequently (ii) direct the respondents 1 to 5 to take appropriate action against the members of the Village Development Committee, Padgal, Velpur Mandal, Nizamabad District for demolishing the bunds of the fish seed rearing ponds and

uprooting the trees planted on the bunds causing heavy loss to the members of the petitioner society by registering a crime for the offences under Sections 426, 427, 429, 430, 461 and 506 IPC read with 148 IPC; and further (iii) direct the respondents 1 to 5 to prevent the Village Development Committee, Padgal, Velpur Mandal,Nizamabad District from causing further loss to the society; and (iv) pass such other order or orders as the Hon'ble Court deems fit, proper and appropriate in the circumstances of the case.

Counsel for the Petitioner:MR.NANDIGAM KRISHANA RAO

Counsel for the Respondents 1 TO 3: GP FOR HOME

Counsel for the Respondents 4 and 5: GP for Revenue

Counsel for the Respondent No.6: GP for Fisheries

The Court at the admissions tage made the following :

ORDER:

The grievance of the petitioner, which is a Fishermen Cooperative Society, is that the properties of the Society have been damaged by the members of the Village Development Committee of Padgal Village, Velpur Mandal, Nizamabad District. It is stated that a complaint has been lodged against the said highhanded action of the said committee members before the 1st respondent.

Learned counsel for the petitioner states that the Village Development Committee, which is a body working under the supervision of the revenue officials, has been acting against the interests of the Society. Therefore, it is contended that the revenue officials ought to have taken necessary action in this regard. It is asserted that the Assistant Director of Fisheries reported the matter to respondents 1 to 5, but so far no action is taken by them.

There are several factual aspects, which have to be gone into, but this Court cannot take up that task.

Hence, the writ petition is closed, with a direction to respondents to examine the whole issue, particularly, in the light of the complaint said to have been made by the petitioner to the 1st respondent, and take appropriate steps, in accordance with law. There shall be no order as to costs.

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03.03.2005

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To

1 The Station House Officer, Velpur, Nizamabad District.
2 The Sub Divisional Police Officer/ Dy. Superintendent of Police, Armoor, Nizamabad District.
3 The Superintendent of Police, Nizamabad District, Nizamabad.
4 The Mandal Revenue Officer, Velpur Mandal, Velpur, Nizamabad District.
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6 The Assistant Director of Fisheries, Nizamabad District, Nizamabad.

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